

United States Court of Appeals
FOR THE DISTRICT OF COLUMBIA CIRCUIT

No. 23-3001

September Term, 2023

FILED ON: SEPTEMBER 5, 2023

IN RE: SEALED CASE

Appeal from the United States District Court
for the District of Columbia
(No. 1:22-sc-02144)

Before: HENDERSON, KATSAS, and RAO, *Circuit Judges*

J U D G M E N T

This cause came on to be heard on the record on appeal from the United States District Court for the District of Columbia and was argued by counsel. On consideration thereof, it is

ORDERED and **ADJUDGED** that the judgment of the District Court appealed from in this cause be vacated in part and remanded to the district court to apply the correct standard to Representative Perry's communications with individuals outside the federal government, communications with members of the Executive Branch, and communications with other Members of Congress regarding alleged election fraud during the period before Congress's vote certifying the 2020 election and before its vote on H.R. 1, consistent with this opinion; and the judgment be affirmed with respect to the remaining privilege determinations about Representative Perry's communications with Members of Congress, in accordance with the opinion of the court filed herein this date.

Per Curiam

FOR THE COURT:

Mark J. Langer, Clerk

BY: /s/

Daniel J. Reidy
Deputy Clerk

Date: September 5, 2023

Opinion for the court filed by Circuit Judge Rao.
Concurring opinion filed by Circuit Judge Katsas.